IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94121

Masao SUDOH, et al.

Appln. No.: 10/574,477

Group Art Unit: 1621

Confirmation No.: 2361 Examiner: Sudhakar KATAKAM

Filed: January 9, 2007

For: DRUG CONTAINING (2R)-2-PROPYLOCTANOIC ACID AS THE ACTIVE

INGREDIENT

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450 Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

Registration No. 30,951

SUGHRUE MION, PLLC Telephone: (202) 293-7060 Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550
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Date: December 29, 2008